

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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2005 Oct 28 P 3:09  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

UNITED STATES OF AMERICA                    )  
  )  
  )  
                  v.                            ) CRIMINAL NO. 05-30002-MAP  
  )  
FRANK DEPERGOLA, and                        )  
ARMANDO BOTTA                                )  
  )  
                  Defendants.                    )

THE GOVERNMENT'S MOTION TO CONTINUE THE TIME TO FILE  
ITS RESPONSE TO THE DEFENDANTS' MOTIONS TO DISMISS

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully requests the Court continue the time for the government to file its response to the defendants' motions to dismiss the pending Indictment for two weeks, until November 4, 2005. In support of its motion the government states as follows:

1. The government's response to the defendants' motions to dismiss was due on October 21, 2005.

2. Undersigned counsel has been unable to complete the government's response due to preparation of the government's probation memorandum in the case of United States v. Merced, et. al., Cr. No. 03-30008-MAP.


WHEREFORE, the government respectfully requests that the Court permit the government to file its response in opposition to

the defendants' motions to dismiss on November 4, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
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Ariane D. Vuono  
Assistant U.S. Attorney


Dated: October 28, 2005

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
October 28, 2005

I, Ariane D. Vuono, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by mail on Michael L. Foy, Esq. 935 Main Street, Suite 203, Springfield, MA 01103 and Lori Levinson, Esq., Cain Hibbard Myers & Cook, 66 West Street, Pittsfield, MA 01201.

  
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Ariane D. Vuono  
Assistant U.S. Attorney